



**UNITED STATES DEPARTMENT OF COMMERCE
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(S)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/658,865	05/31/96	ADACHI H	960454

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EXAMINER
KINCAID, L

ART UNIT	PAPER NUMBER
2745	12

DATE MAILED: 09/01/98

Please find below and/or attached an Office communication concerning this application or proceeding.

See attached.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

08/658,865

Applicant(s)

ADACHI

Examiner

Lester Kincaid

Group Art Unit

2745



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Aug 4, 1998 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):
- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached page for response to remarks.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-17

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s).
- ☐ Other

Thanh Cong Le
8/28/98
THANH CONG LE
PRIMARY EXAMINER
TC 2700

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Response to Arguments

Applicant's arguments filed 8/4/98 have been fully considered but they are not persuasive.

1. Regarding applicant's remarks to **claims 5-7, 11-13 and 17**, rejected as anticipated by Tayloe et al., the examiner maintains that varying the emanation interval of the beacon signal based on amount of data to be transmitted, as broadly claimed, merely reads on Tayloe et al.'s teaching of varying the frequency of the paging signal based on the "paging load", as disclosed and applied in the last office action.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the emanation interval of the beacon signal to the intermittent power-on type mobile station is caused to vary according to the transmission data amount to be transmitted to the intermittent power-on type mobile station, **as shown in Fig. 20 of the instant application**") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. Regarding applicant's remarks to **claims 1 and 8**, rejected as being obvious in view of Leslie et al. or Applicant's admitted prior art in view of Messenger, the broadly recited claim fails

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to require a beacon signal which 'activates a "sleeping" power supply to allow data to be received', but merely requires that the 'intermittent power-on type mobile station' is broadly for "shifting to a power-on state synchronously with a received timing of a beacon signal", which clearly reads on Leslie et al. even if Leslie et al. teaches that 'the control signal determines how long the receiver's power supply will "sleep"', as alleged by applicant, since Leslie et al. provides for an 'intermittent power-on type mobile station' which operates by "shifting to a power-on state synchronously with a received timing of a beacon signal", as broadly claimed, to receive the intended data and applied in the last office action.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the interval between beacon signals indicating data reception can be varied", and wherein "it is not necessary to shorten an interval of occurrence of a beacon signal") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. Regarding applicant's remarks to **claims 2-3, 9-10, and 14-16**, rejected as being obvious in view of Dupont, applicant's remarks amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The examiner maintains that the broadly recited claims

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read on Dupont as applied in the last action. Additionally, the “dynamic” nature of Dupont is such that “without the time extension information being transmitted, the data is received during its regular receive-ready period”.

4. Regarding applicant’s remarks to **claims 2-3, 9-10, and 14-16**, rejected as being obvious in view of Gaskill, although the specific examples shown by Gaskill teach the ability to transmit and receive long message data in noncontiguous time frames, thus allowing for more freedom and flexibility, at the expense of system complexity, in transmitting long messages, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send the data continuously wherein the mobile would (continuously) sustain its power-on state, for the purpose of reducing the overhead associated with the added complexity of the system, as applied in the last office action. It is further considered that Gaskill does not require that the extended period be discontinuous, nor would one of ordinary skill in the art at the time the invention was made perceive such a limiting teaching, since it is simply not necessary to the operation of the system of Gaskill.